



General Assembly

Amendment

February Session, 2008

LCO No. 4727

SB0012704727HDO

Offered by:

REP. ROY, 119th Dist.

REP. CHAPIN, 67th Dist.

To: Subst. Senate Bill No. 127

File No. 19

Cal. No. 344

(As Amended by Senate Amendment Schedule "A")

"AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR TECHNICAL REVISIONS TO THE ENVIRONMENTAL STATUTES."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 22-84 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2008*):

5 (a) The director of the Connecticut Agricultural Experiment Station
6 shall have charge of all matters pertaining to official control,
7 suppression or extermination of insects or diseases which are, or
8 threaten to become, serious pests of plants of economic importance. He
9 shall receive no additional compensation for such work, and may
10 designate members of the station staff to carry out certain lines thereof
11 and may employ such other assistance as may be required. Said

12 director may; [cooperate] (1) Cooperate with the agents of the United
13 States Department of Agriculture in the control of plant pests; [may]
14 (2) make regulations and orders regarding the destruction or treatment
15 of infested plants; [may] (3) seize, treat, disinfect or destroy any plants
16 or plant material moved in violation of any quarantine or regulation
17 established under the provisions of this section or suspected of being
18 infested by any dangerous insect pest or plant disease; [may] (4)
19 prohibit or regulate the transportation of plants and plant materials,
20 brick, stone and quarry products or any other objects or materials
21 liable to carry dangerous pests and may designate certain areas or
22 districts wherein all such plants may be destroyed; [. Said director is
23 authorized to promulgate] (5) adopt, and [to] enforce by appropriate
24 regulations, a quarantine prohibiting or restricting the transportation
25 of any class of nursery stock, plant, fruit, seed or other article capable
26 of carrying any dangerous plant disease or insect infestation, with
27 reference to which the Secretary of Agriculture of the United States has
28 not determined that a quarantine is necessary and established such
29 quarantine, into or through this state or any portion thereof from any
30 other state, the District of Columbia or any part of such state or said
31 district in which said director finds such plant disease or insect
32 infestation to exist; [. Said director is authorized to make] (6) adopt
33 regulations for the seizure, inspection, disinfection, destruction or
34 other disposition of any nursery stock, plant, fruit, seed or other article
35 capable of carrying any dangerous plant disease or insect infestation, a
36 quarantine with respect to which has been established by the Secretary
37 of Agriculture of the United States, and which have been transported
38 to, into or through this state in violation of such quarantine; [. Said
39 director may] (7) inspect nurseries and nursery stock, as defined in
40 section 22-97, for any violation of the provisions of section 22a-381d, as
41 amended by this act; and (8) establish and maintain a quarantine
42 against any premises, district, town or group of towns in this state,
43 provided, before any quarantine is established within the state, a
44 public hearing shall be held, of which five days' notice shall be given to
45 the parties affected, either by mail or by publishing such notice in two
46 newspapers having a circulation in the part of the state affected by

47 such quarantine. [Said]

48 (b) The director or [any person authorized by him to enforce the
49 provisions of this section] a designee may, at any reasonable time,
50 enter any public or private premises [in the performance of his duty] to
51 enforce the provisions of this section. Any person aggrieved by any
52 order of quarantine issued under the provisions of this section may
53 appeal to the Superior Court, or to any judge thereof if said court is not
54 in session, and said court or such judge may grant such relief or issue
55 such order or judgment in the premises as to equity may appertain.

56 (c) Any person interfering with [any person] the director or the
57 director's designee in the performance of [his] said director's duty
58 under the provisions of this section or violating any quarantine or any
59 regulation established under [said] the provisions of this section shall
60 be fined not less than five dollars [nor] or more than one hundred
61 dollars.

62 Sec. 502. Subsection (e) of section 22-344 of the general statutes is
63 repealed and the following is substituted in lieu thereof (*Effective July*
64 *1, 2008*):

65 (e) The commissioner may, at any time, inspect or cause to be
66 inspected by [his] the commissioner's agents any such commercial
67 kennel, pet shop, grooming facility or training facility, and if, (1) in
68 [his] the commissioner's judgment such kennel, pet shop, grooming
69 facility or training facility is not being maintained in a sanitary and
70 humane manner or in a manner that protects the public safety, [or if
71 he] (2) the commissioner finds that contagious, infectious or
72 communicable disease or other unsatisfactory conditions exist, [he] or
73 (3) in the case of a pet shop, the commissioner finds any violation of
74 the provisions of section 22a-381d, as amended by this act, the
75 commissioner may issue such orders as [he] the commissioner deems
76 necessary for the correction of such conditions and may quarantine the
77 premises and animals. If the owner or keeper of such kennel, pet shop,
78 grooming facility or training facility fails to comply with the

79 regulations or orders of the commissioner, or fails to comply with any
80 provision of the statutes or regulations relating to dogs or other
81 animals, the commissioner may revoke or suspend such license. Any
82 person aggrieved by any order issued under the provisions of this
83 section may appeal therefrom in accordance with the provisions of
84 section 4-183. Any person maintaining any commercial kennel, pet
85 shop, grooming facility or training facility without having obtained a
86 license for the same or after any such license has been revoked or
87 suspended as provided herein shall be fined not more than two
88 hundred dollars. The provisions of this section shall not apply to
89 veterinary hospitals, except those boarding or grooming dogs for
90 nonmedical purposes, and other establishments where all the dogs or
91 animals were born and raised on the premises where they are kept for
92 sale.

93 Sec. 503. Section 22a-381d of the general statutes is repealed and the
94 following is substituted in lieu thereof (*Effective July 1, 2008*):

95 (a) Notwithstanding the provisions of any ordinance adopted by a
96 municipality, no person shall [import,] move, except for eradication,
97 research or educational purposes, shall import, sell, purchase,
98 transplant [.] or cultivate, except for research purposes, or shall
99 distribute any of the following invasive plants: (1) Curly leaved
100 Pondweed (*Potamogeton crispus*); (2) fanwort (*Cabomba caroliniana*);
101 (3) eurasian water milfoil (*Myriophyllum spicatum*); (4) variable water
102 milfoil (*Myriophyllum heterophyllum*); (5) water chestnut (*Trapa*
103 *natans*); (6) egeria (*Egeria densa*); (7) hydrilla (*Hydrilla verticillata*); (8)
104 common barberry (*Berberis vulgaris*); (9) autumn olive (*Elaeagnus*
105 *umbellata*); (10) Bell's honeysuckle (*Lonicera xbella*); (11) amur
106 honeysuckle (*Lonicera maackii*); (12) Morrow's honeysuckle (*Lonicera*
107 *morrowii*); (13) common buckthorn (*Rhamnus cathartica*); (14)
108 multiflora rose (*Rosa multiflora*); (15) Oriental bittersweet (*Celastrus*
109 *orbiculatus*); (16) garlic mustard (*Alliaria petiolata*); (17) narrowleaf
110 bittercress (*Cardamine impatiens*); (18) spotted knapweed (*Centaurea*
111 *biebersteinii*); (19) black swallow-wort (*Cynanchum louiseae*); (20) pale
112 swallow-wort (*Cynanchum rossicum*); (21) leafy spurge (*Euphorbia*

113 esula); (22) Dame's rocket (*Hesperis matronalis*); (23) perennial
114 pepperweed (*Lepidium latifolium*); (24) Japanese knotweed
115 (*Polygonum cuspidatum*); (25) mile-a-minute vine (*Polygonum*
116 *perfoliatum*); (26) fig buttercup (*Ranunculus ficaria*); (27) coltsfoot
117 (*Tussilago farfara*); (28) Japanese stilt grass (*Microstegium vimineum*);
118 (29) common reed (*Phragmites australis*); (30) sycamore maple (*Acer*
119 *pseudoplatanus*); (31) princess tree (*Paulownia tomentosa*); (32) white
120 poplar (*Populus alba*); (33) false indigo (*Amorpha fruticosa*); (34)
121 Russian olive (*Eleagnus angustifolia*); (35) wineberry (*Rubus*
122 *phoenicolasius*); (36) kudzu (*Pueraria montana*); (37) Canada thistle
123 (*Cirsium arvense*); (38) jimsonweed (*Datura stramonium*); (39) crested
124 late-summer mint (*Elsholtzia ciliata*); (40) Cypress spurge (*Euphorbia*
125 *cyparissias*); (41) slender snake cotton (*Froelichia gracilis*); (42) ground
126 ivy (*Glechoma hederacea*); (43) giant hogweed (*Heracleum*
127 *mantegazzianum*); (44) Japanese hops (*Humulus japonicus*); (45)
128 ornamental jewelweed (*Impatiens glandulifera*); (46) common kochia
129 (*Kochia scoparia*); (47) ragged robin (*Lychnis flos-cuculi*); (48) Scotch
130 thistle (*Onopordum acanthium*); (49) bristle knotweed (*Polygonum*
131 *caespitosum*); (50) giant knotweed (*Polygonum sachalinense*); (51)
132 sheep sorrel (*Rumex acetosella*); (52) ragwort (*Senecio jacobaea*); (53)
133 cup plant (*Silphium perfoliatum*); (54) bittersweet nightshade
134 (*Solanum dulcamara*); (55) garden heliotrope (*Valeriana officinalis*);
135 (56) hairy jointgrass (*Arthraxon hispidus*); (57) drooping brome-grass
136 (*Bromus tectorum*); (58) Japanese sedge (*Carex kobomugi*); (59) reed
137 managrass (*Glyceria maxima*); (60) Canada bluegrass (*Poa compressa*);
138 and (61) tree of heaven (*Ailanthus altissima*).

139 (b) Notwithstanding the provisions of any ordinance adopted by a
140 municipality, no person shall move, except for eradication, research or
141 educational purposes, shall import, sell, purchase, transplant or
142 cultivate, except for research purposes, or shall distribute any
143 reproductive portion of any invasive plant listed in subsection (a) or (c)
144 of this section. For the purposes of this subsection, "reproductive
145 portion" includes, but is not limited to, seeds, flowers, roots and
146 tubers.

147 [(b)] (c) Notwithstanding the provisions of any ordinance adopted
148 by a municipality, on or after October 1, 2005, no person shall [import,]
149 move, except for eradication, research or educational purposes, shall
150 import, sell, purchase, transplant [,] or cultivate, except for research
151 purposes, or shall distribute any of the following invasive plants: (1)
152 Purple loosestrife (*Lythrum salicaria*); (2) forget-me-not (*Myosotis*
153 *scorpioides*); (3) Japanese honeysuckle (*Lonicera japonica*); (4)
154 goutweed (*Aegopodium podagraia*); (5) flowering rush (*Butomus*
155 *umbellatus*); (6) pond water-starwort (*Callitriche stagnalis*); (7)
156 European waterclover (*Marsilea quadrifolia*); (8) parrotfeather
157 (*Myriophyllum aquaticum*); (9) brittle water-nymph (*Najas minor*);
158 (10) American water lotus (*Nelumbo lutea*); (11) yellow floating heart
159 (*Nymphoides peltata*); (12) onerow yellowcress (*Rorippa microphylla*);
160 (13) watercress (*Rorippa nasturtium-aquaticum*), except for watercress
161 sold for human consumption without its reproductive structure; (14)
162 giant salvinia (*Salvinia molesta*); (15) yellow iris (*Iris pseudacorus*);
163 (16) [water lettuce (*Pistia stratiotes*); (17)] border privet (*Ligustrum*
164 *obtusifolium*); [(18)] (17) tatarian honeysuckle (*Lonicera tatarica*); [(19)]
165 (18) dwarf honeysuckle (*Lonicera xylosteum*); and [(20)] (19) garden
166 loosestrife (*Lysimachia vulgaris*).

167 [(c)] (d) From [June 26, 2003] July 1, 2008, until October 1, [2005]
168 2013, no municipality shall adopt any ordinance regarding the retail
169 sale or purchase of any invasive plant.

170 [(d)] (e) Any person who violates the provisions of this section shall
171 be fined not more than one hundred dollars per plant.

172 Sec. 504. Section 22a-381c of the general statutes is repealed and the
173 following is substituted in lieu thereof (*Effective October 1, 2008*):

174 No state agency, department or institution shall purchase any plant
175 listed as invasive or potentially invasive pursuant to section 22a-381b,
176 provided nothing in this section shall be construed to prohibit such
177 purchase if such purchase is necessary to honor a state contract in
178 effect as of the date any such plant is listed as invasive or potentially

179 invasive pursuant to section 22a-381b. Nothing in this section shall be
180 construed to prohibit any state agency, department or institution, or
181 the agents of such agency, department or institution, from transporting
182 any invasive or potentially invasive plant for educational, [or] research
183 or eradication purposes.

184 Sec. 505. Subsection (b) of section 51-164n of the 2008 supplement to
185 the general statutes is repealed and the following is substituted in lieu
186 thereof (Effective July 1, 2008):

187 (b) Notwithstanding any provision of the general statutes, any
188 person who is alleged to have committed (1) a violation under the
189 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-
190 283, 7-325, 7-393, 8-25 of the 2008 supplement to the general statutes, 8-
191 27, 9-63, 9-296 of the 2008 supplement to the general statutes, 9-305, 9-
192 322, 9-350, 10-193, 10-197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-
193 170aa, 12-292, or 12-326g of the 2008 supplement to the general
194 statutes, subdivision (4) of section 12-408, subdivision (3), (5) or (6) of
195 section 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-
196 107, 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-
197 140, 13a-143b, 13a-247 or 13a-253, subsection (f) of section 13b-42,
198 section 13b-90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a,
199 13b-410b or 13b-410c, subsection (a), (b) or (c) of section 13b-412,
200 section 13b-414, subsection (d) of section 14-12, section 14-20a or 14-
201 27a, subsection (e) of section 14-34a, subsection (d) of section 14-35,
202 section 14-43, 14-49 of the 2008 supplement to the general statutes, 14-
203 50a or 14-58, subsection (b) of section 14-66 of the 2008 supplement to
204 the general statutes, section 14-66a, 14-66b or 14-67a, subsection (g) of
205 section 14-80, subsection (f) of section 14-80h, section 14-97a, 14-100b,
206 14-103a of the 2008 supplement to the general statutes, 14-106a, 14-
207 106c, 14-146, 14-152, 14-153 or 14-163b, a first violation as specified in
208 subsection (f) of section 14-164i, section 14-219 as specified in
209 subsection (e) of said section, subdivision (1) of section 14-223a, section
210 14-240, 14-249, 14-250 or 14-253a of the 2008 supplement to the general
211 statutes, subsection (a) of section 14-261a of the 2008 supplement to the
212 general statutes, section 14-262, 14-264, 14-267a of the 2008 supplement

213 to the general statutes, 14-269, 14-270, 14-275a, 14-278 or 14-279,
214 subsection (e) of section 14-283, section 14-291, 14-293b, 14-296aa, 14-
215 319, 14-320, 14-321, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1),
216 (2) or (3) of section 14-386a, section 15-33, subsection (a) of section 15-
217 115, section 16-256, 16-256e, 16a-15 of the 2008 supplement to the
218 general statutes or 16a-22, subsection (a) or (b) of section 16a-22h,
219 section 17a-24, 17a-145 of the 2008 supplement to the general statutes,
220 17a-149, 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-137 of the
221 2008 supplement to the general statutes or 17b-734, subsection (b) of
222 section 17b-736, section 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b)
223 of section 19a-87a, section 19a-91 of the 2008 supplement to the general
224 statutes, 19a-105, 19a-107, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286,
225 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339,
226 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-257, 20-265 or
227 20-324e, subsection (a) of section 20-341 of the 2008 supplement to the
228 general statutes, section 20-341l, 20-597, 20-608, 20-610, 21-30, 21-38, 21-
229 39, 21-43, 21-47, 21-48, 21-63, 21-76a, 21a-21, 21a-25 of the 2008
230 supplement to the general statutes, 21a-26 or 21a-30, subsection (a) of
231 section 21a-37, section 21a-46, 21a-61, 21a-63 or 21a-77 of the 2008
232 supplement to the general statutes, subsection (b) of section 21a-79,
233 section 21a-85, 21a-154, 21a-159, 22-13, 22-14, 22-15, 22-16, 22-29, 22-34,
234 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-49,
235 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-279, 22-280a,
236 22-318a, 22-320h, 22-324a, 22-326 or 22-342, subsection (b) or (e) of
237 section 22-344, section 22-359, 22-366, 22-391 of the 2008 supplement to
238 the general statutes, 22-413 of the 2008 supplement to the general
239 statutes, 22-414 of the 2008 supplement to the general statutes, 22-415
240 of the 2008 supplement to the general statutes, 22a-66a of the 2008
241 supplement to the general statutes or 22a-246, subsection (a) of section
242 22a-250, subsection (e) of section 22a-256h, [subsection (a) of] section
243 22a-381d, section 22a-449 of the 2008 supplement to the general
244 statutes, 22a-461, 23-37, 23-38, 23-46 of the 2008 supplement to the
245 general statutes or 23-61b, subsection (a) or (b) of section 23-65, section
246 25-37, 25-40, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-49, 26-54, 26-59, 26-61,
247 26-64, 26-79, 26-89, 26-97 of the 2008 supplement to the general

248 statutes, 26-107, 26-117, 26-128, 26-131, 26-132, 26-138, 26-141, 26-207,
249 26-215, 26-224a, 26-227, 26-230, 26-294, 28-13 of the 2008 supplement to
250 the general statutes, 29-6a, 29-109, 29-143o, 29-143z, 29-161y, 29-161z,
251 29-198, 29-210 of the 2008 supplement to the general statutes, 29-243,
252 29-277, 29-316, 29-318, 29-341 of the 2008 supplement to the general
253 statutes, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12 of the 2008
254 supplement to the general statutes, 31-13 of the 2008 supplement to the
255 general statutes, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-28, 31-
256 32, 31-36, 31-38, 31-38a, 31-40, 31-44, 31-47, 31-48, 31-51, 31-51k, 31-52,
257 31-52a or 31-54, subsection (a) or (c) of section 31-69, section 31-70, 31-
258 74, 31-75, 31-76, 31-76a of the 2008 supplement to the general statutes,
259 31-89b or 31-134, subsection (i) of section 31-273, section 31-288 of the
260 2008 supplement to the general statutes, 36a-787, 42-230, 45a-450, 45a-
261 634 or 45a-658, subdivision (13) or (14) of section 46a-54, section 46a-59,
262 46b-22 of the 2008 supplement to the general statutes, 46b-24 of the
263 2008 supplement to the general statutes, 46b-34, 46b-38dd of the 2008
264 supplement to the general statutes, 46b-38gg of the 2008 supplement to
265 the general statutes, 46b-38kk, 47-34a, 47-47, 49-8a, 49-16 or 53-133,
266 subsection (a) or (b) of section 53-211, or section 53-212a, 53-249a, 53-
267 252, 53-264, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331, 53-
268 344 or 53-450, or (2) a violation under the provisions of chapter 268, or
269 (3) a violation of any regulation adopted in accordance with the
270 provisions of section 12-484, 12-487 or 13b-410, or (4) a violation of any
271 ordinance, regulation or bylaw of any town, city or borough, except
272 violations of building codes and the health code, for which the penalty
273 exceeds ninety dollars but does not exceed two hundred fifty dollars,
274 unless such town, city or borough has established a payment and
275 hearing procedure for such violation pursuant to section 7-152c, shall
276 follow the procedures set forth in this section."